

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILEDNOV 17 2017 ^{LC}

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

JASON SMITH)

)

)

(Name of the plaintiff or plaintiffs))

v.)

CHIEF JUDGE OF THE CIRCUIT)COUNT OF COOK COUNTY,)AVIK DAS, WILLIAM PATTERSON, DENNIS ALEXANDER)

(Name of the defendant or defendants))

17 CV 8341

JUDGE ALONSO

MAGISTRATE JUDGE SCHENKIER

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is JASON SMITH of the
county of COOK in the state of ILLINOIS.

3. The defendant is CHIEF JUDGE OF THE CIRCUIT COURT OF COOK COUNTY, whose
AVIK DAS, WILLIAM PATTERSON, DENNIS ALEXANDER
street address is 50 W. WASHINGTON,

(city) CHGO (county) COOK (state) IL (ZIP) 60602

(Defendant's telephone number) (312) - 603 6000

4. The plaintiff sought employment or was employed by the defendant at (street address)

1100 S. HAMILTON (city) CHGO
(county) COOK (state) IL (ZIP code) 60612

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) July, (day) 8, (year) 2014.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☐ the United States Equal Employment Opportunity Commission, on or about
(month) _____ (day) _____ (year) _____.
(ii) ☒ the Illinois Department of Human Rights, on or about
(month) 11 (day) 9 (year) 2014.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ **DEPARTMENT OF JUSTICE**
the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) 09 (day) 19 (year) 2017 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant *[check only those that apply]*
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____
-

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13. The facts supporting the plaintiff's claim of discrimination are as follows:

PLAINTIFF REQUESTED A SIMILAR SCHEDULE THAT WAS APPROVED
FOR A WHITE PROBATION OFFICER. PLAINTIFF HAS BEEN
COMPLAINING OF RACIAL DISCRIMINATION FOR OVER TWO YEARS.
PLAINTIFF HAS PROVIDED EVIDENCE IN THE CASE OF JORDAN V.
THE CHIEF AND OSCAR MONTGOMERY. THE CHIEF JUDGE,
PLAINTIFF WAS DENIED THIS SCHEDULE AND WAS FURTHER DENIED
BY EACH DEFENDANT THROUGH THE PROCESS.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☒ Direct the defendant to (specify): CEASE AND DESIST, APPOINT

A FEDERAL MONITOR, GRANT PLAINTIFF HIS SCHEDULE AND AWARD
PLAINTIFF

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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\$25,000 FOR EMOTIONAL DISTRESS FOR RETALIATION
AND DISCRIMINATION

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Jason Smith

(Plaintiff's name)

(Plaintiff's name)

JASON SMITH

(Plaintiff's street address)

3515 W. Cermak

Chgo, IL 60623

(City) Chgo (State) IL (ZIP) 60623

(Plaintiff's telephone number) (773) - 242 4658

Date: 11.17.17

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

7003 0500 0002 5071 5991

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

October 19, 2017

Mr. Jason Smith
3515 W. Cermak
1st Floor
Chicago, IL 60623

Re: EEOC Charge Against Office of the Chief Judge, Circuit Court of Cook County
No. 21B201602050

Dear Mr. Smith:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

John M. Gore
Acting Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson

Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC

U.S. Department of Justice
CIVIL RIGHTS-EMP-LIT
Washington, D.C. 20530
Official Business
Penalty for Private Use \$300

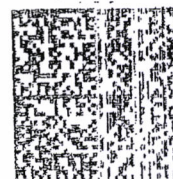
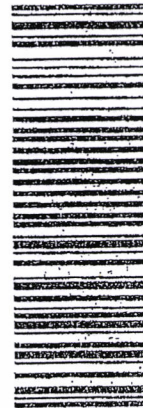
X-RAYED

AUG 17 2017

DOJ MAILROOM

Mr. Jason Smith
3515 W. Cermak
Chicago, IL 60623

7003 0500 0002 5072 2951



US OFFICIAL MAIL
\$300 Penalty
For Private Use

US POSTAGE
Mailed From 20530
07/20/2017
\$06.560

950505070

Handwritten: 2/2/17

RECEIPT
QUESTED

NIXIE 600 DE 1 0008/11/17

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

5062303130 0013 UNC

BC: 20530

*2931-07527-20-46



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL
7003 0500 0002 5072 2951

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

July 17, 2017

Mr. Jason Smith
3515 W. Cermak
Chicago, IL 60623

Re: EEOC Charge Against Office of the Chief Judge, Circuit Court of Cook County
No. 21B201602050

Dear Mr. Smith:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

T. E. Wheeler, II
Acting Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Karen L. Ferguson

Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
Office of the Chief Judge, Circuit Court of Cook County

7003 0500 0002 5072 2951

U.S. Postal Service CERTIFIED MAIL (Domestic Mail Only)		For delivery information OFFER	
Postage		Certified Fee	
Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees			
Sent to			
Street, Apt. No., or PO Box No.			
City, State, ZIP+4			
PS Form 3800, June 2002			

CHARGE OF DISCRIMINATION		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2017CF0376
This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.			
#17M0726.07			
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (Indicate Mr. Ms. Mrs.) Mr. Jason Smith		TELEPHONE NUMBER (include area code) (773) 242-4658	
STREET ADDRESS 3515 W. Cermak		CITY, STATE AND ZIP CODE Chicago, IL 60623	DATE OF BIRTH / / M D Y
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT Office Of The Chief Judge Circuit Court Of Cook County		NUMBER OF EMPLOYEES, MEMBERS 15+ 	TELEPHONE NUMBER (include area code) (312)433-7000
STREET ADDRESS 1100 S. Hamilton Room 13		CITY, STATE AND ZIP CODE Chicago, IL 60612	COUNTY Cook
CAUSE OF DISCRIMINATION BASED ON: Retaliation		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) 07/0/816 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:			
<div style="float: left; width: 15%; text-align: center;"> RECEIVED NOV 14 2016 DEPT. OF HUMAN RIGHTS INTAKE UNIT </div> <div style="float: right; width: 85%;"> <p>I. A. ISSUE/BASIS UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT – JULY 8, 2016, IN RETALIATION FOR HAVING OPPOSED UNLAWFUL DISCRIMINATION IN THE WORKPLACE.</p> <p>PRIMA FACIE ALLEGATIONS</p> <p>1. From 2012 through 2014, I engaged in various protected activities when I filed at least a dozen discrimination complaints with the EEOC as the Vice President of the Local Union. On March 21, 2015, I engaged in a protected activity when I served as a witness for discrimination charge</p> </div>			
Page 1 of 2 I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME THIS <u>9</u> DAY OF <u>November</u> , 2016. X <u>[Signature]</u> NOTARY SIGNATURE X <u>[Signature]</u> <u>11-9-16</u> SIGNATURE OF COMPLAINANT DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	
OFFICIAL SEAL FLORA HERNANDEZ Notary Public - State of Illinois My Commission Expires Sep 26, 2018 NOTARY STAMP			

Charge Number: 2017CF0376
Complainant: Jason Smith
Page 2 of 2

#2014CF2907, with the Illinois Department of Human Rights. On December 4, 2015, I engaged in a protected activity when I was named as a witness to discrimination case No. 15CV5907, filed with the United State District Court of the Northern District of IL, Eastern Division.

2. I was hired on April 3, 2003. My performance as a Probation Officer met Respondent's expectations.
3. On July 8, 2016, I was subjected to unequal terms and conditions of employment when I was denied a flex time schedule by Dennis Alexander, Deputy Chief Probation Officer.
4. Similarly situated employees who had not participated in protected activities, such as Lisa Poczatek, were not denied a flex time schedule under similar circumstances.
5. The adverse action closely followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.

DCK/RCG/amm/nlc